



February 22, 2008

ENGROSSED

SENATE BILL No. 221

DIGEST OF SB 221 (Updated February 20, 2008 11:04 am - DI 14)

Citations Affected: IC 35-46.

Synopsis: Warning to pregnant women of tobacco use. Requires tobacco vending machines and establishments that sell tobacco to post a notice that: (1) states that smoking by pregnant women may result in fetal injury, premature birth, and low birth weight; and (2) provides a phone number for assistance to quit smoking.

Effective: July 1, 2008.

**Simpson, Riegsecker, Becker,
Merritt, Young R, Kruse**
(HOUSE SPONSORS — BROWN C, BROWN T)

January 8, 2008, read first time and referred to Committee on Commerce, Public Policy & Interstate Cooperation.
January 17, 2008, reported favorably — Do Pass.
January 22, 2008, read second time, amended, ordered engrossed.
January 23, 2008, engrossed.
January 29, 2008, read third time, passed. Yeas 43, nays 5.
HOUSE ACTION
February 4, 2008, read first time and referred to Committee on Public Policy.
February 21, 2008, amended, reported — Do Pass.

C
o
p
y

ES 221—LS 6754/DI 77+



February 22, 2008

Second Regular Session 115th General Assembly (2008)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2007 Regular Session of the General Assembly.

ENGROSSED SENATE BILL No. 221

A BILL FOR AN ACT to amend the Indiana Code concerning alcohol and tobacco.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 35-46-1-11 IS AMENDED TO READ AS
2 FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 11. (a) A tobacco
3 vending machine that is located in a public place must bear ~~a~~ **the**
4 **following** conspicuous ~~notice~~ **notices**:

5 (1) **A notice:**

6 (A) that reads as follows, with the capitalization indicated: "If
7 you are under 18 years of age, YOU ARE FORBIDDEN by
8 Indiana law to buy tobacco from this machine."; or

9 ~~(2) (B)~~ that:

10 ~~(A)~~ (i) conveys a message substantially similar to the
11 message described in ~~subdivision (1)~~ **clause (A)**; and

12 ~~(B)~~ (ii) is formatted with words and in a form authorized
13 under the rules adopted by the alcohol and tobacco
14 commission.

15 (2) **A notice that reads as follows, "Smoking by Pregnant**
16 **Women May Result in Fetal Injury, Premature Birth, and**
17 **Low Birth Weight."**

ES 221—LS 6754/DI 77+



C
o
p
y

(b) A person who owns or has control over a tobacco vending machine in a public place and who:

(1) fails to post ~~the a~~ notice required by subsection (a) on ~~his the~~ vending machine; or

(2) fails to replace ~~the a~~ notice within one (1) month after it is removed or defaced;

commits a Class C infraction.

(c) An establishment selling tobacco at retail shall post and maintain in a conspicuous place, ~~a sign,~~ **at the point of sale, the following signs** printed in letters at least one-half (1/2) inch high, reading as follows:

(1) A sign reading as follows: "The sale of tobacco to persons under 18 years of age is forbidden by Indiana law."

(2) A sign reading as follows: "Smoking by Pregnant Women May Result in Fetal Injury, Premature Birth, and Low Birth Weight."

(3) A sign displaying a toll free phone number that provides assistance to callers in quitting smoking, as determined by the department of health.

(d) A person who:

(1) owns or has control over an establishment selling tobacco at retail; and

(2) fails to post and maintain the sign required by subsection (c); commits a Class C infraction.

C
o
p
y



SENATE MOTION

Madam President: I move that Senators Becker, Merritt, Riegsecker and Young R be added as coauthors of Senate Bill 221.

SIMPSON

COMMITTEE REPORT

Madam President: The Senate Committee on Commerce, Public Policy and Interstate Cooperation, to which was referred Senate Bill No. 221, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill DO PASS.

(Reference is made to Senate Bill 221 as introduced.)

RIEGSECKER, Chairperson

Committee Vote: Yeas 6, Nays 0.

SENATE MOTION

Madam President: I move that Senate Bill 221 be amended to read as follows:

Page 2, line 14, after "**Weight.**" insert "**For help call Quitline 1-800-227-2345.**".

(Reference is to SB 221 as printed January 18, 2008.)

SIMPSON

SENATE MOTION

Madam President: I move that Senator Riegsecker be removed as coauthor of Engrossed Senate Bill 221.

RIEGSECKER

C
o
p
y



SENATE MOTION

Madam President: I move that Senator Riegsecker be added as second author of Engrossed Senate Bill 221.

SIMPSON

SENATE MOTION

Madam President: I move that Senator Kruse be added as coauthor of Engrossed Senate Bill 221.

SIMPSON

COMMITTEE REPORT

Mr. Speaker: Your Committee on Public Policy, to which was referred Senate Bill 221, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 2, line 9, after "sale," insert **"the following"**.

Page 2, line 11, after "(1)" insert **"A sign reading as follows:"**.

Page 2, delete lines 13 through 15, begin a new line block indented and insert:

"(2) A sign reading as follows: "Smoking by Pregnant Women May Result in Fetal Injury, Premature Birth, and Low Birth Weight."

(3) A sign displaying a toll free phone number that provides assistance to callers in quitting smoking, as determined by the department of health."

and when so amended that said bill do pass.

(Reference is to SB 221 as reprinted January 23, 2008.)

VAN HAAFTEN, Chair

Committee Vote: yeas 9, nays 0.

C
o
p
y

